### Data analysis and stakeholder engagement update

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Source</th>
<th>Status</th>
<th>Stakeholder Engagement Since the July Subcommittee Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrests</td>
<td>Georgia Crime Information Center</td>
<td>Analyzed</td>
<td>Delivered a presentation discussing initial analysis shared with the Sentencing Subcommittee and Probation Subcommittee in July, as well as possible next steps</td>
</tr>
<tr>
<td>Sentencing &amp; Revocations</td>
<td>ARS</td>
<td>Analyzed</td>
<td>Stakeholder presentations given by the Department of Community Supervision and the Southern Center for Human Rights</td>
</tr>
<tr>
<td>Probation</td>
<td>ARS, originally provided by GDC</td>
<td>Analyzed</td>
<td>Conducted focus groups with both new and veteran line officers; toured a Probation Detention Center, a Day Reporting Center, and a basic training facility; observed administrative hearings and an officer on contact visits; interviewed a Chief and Assistant Chiefs in one office</td>
</tr>
<tr>
<td>Inmate</td>
<td>ARS, originally provided by GDC</td>
<td>Analyzed</td>
<td>Calls &amp; Meetings with Subcommittee Members &amp; Other Stakeholders</td>
</tr>
<tr>
<td>Misdemeanor Probation</td>
<td>Various misdemeanor providers provided aggregated summaries</td>
<td>Received</td>
<td>22 conversations with representatives of the judiciary, executive, legislature, prosecuting attorneys, criminal defense, criminal justice administrators, and advocacy groups</td>
</tr>
</tbody>
</table>

**Council of State Governments Justice Center | 2**
Georgia has the highest probation rate in the country

**Three key drivers appear to be:**

1. Use of felony probation terms in addition to prison sentences (i.e., split sentences)
2. Lengthy felony probation sentences (in both direct and split sentences)
3. Misdemeanor placements on probation
What works in probation supervision? Risk-Need-Responsivity (RNR) principles are key to containing costs and reducing recidivism.

Drug Treatment in Prison: -17%
Drug Treatment in the Community: -24%
Supervision with Risk Need + Responsivity: -30%

Supervision with effective “RNR” principles yields the biggest recidivism reduction.

Studies have shown that treating low-risk people actually increases recidivism, while treating high-risk people with high-intensity programming dramatically decreases recidivism. Further, providing very low-intensity programming to high-risk people does little, if anything, to reduce recidivism.

To reduce recidivism, programs must address multiple need areas that drive criminal behavior.

Addressing just one need is insufficient to change behavior. Programs must be based on proven curricula or principles of effective intervention.

- **Targeting 1 Need**
  - Level of Recidivism Reduction: 14%
- **Targeting 3+ Needs**
  - Cognitive-behavioral with graduated skills practice: +8%

Evidence-based practices significantly reduce recidivism, while outdated punitive approaches can increase negative results.

Programs must have high integrity. Program integrity is how closely a program aligns with best practice standards (fidelity to the model).

- **Program integrity score**
  - 0-30: 19%
  - 31-59: +8%
  - 60-69: -10%
  - 70+: -22%

Research shows that effective supervision is tailored and enhances motivation

**Responsivity:** Using interventions that are known to be effective with probationers and tailoring interventions to mitigate barriers for the individual

**Internal Responsivity**
- Motivation
- Mental health: anxiety, psychopathy
- Maturity
- Transportation
- Cognitive deficiencies
- Language barriers

**External Responsivity**
- Program characteristics
- Facilitator characteristics
- Program setting

Overview

1. Probation population trends (felony)
2. Probation supervision practices (felony)
3. Probation recidivism outcomes (felony)
4. Next Steps
Felony probation sentence lengths are longer than they are in neighboring states

On average, people in Georgia are sentenced to 5 years for probation only sentences and 8 years of probation when it follows a prison term.

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### Average Probation Sentence Lengths

**Placements to Probation, FY2005–FY2015**

- **Overall Average**:
  - Direct: 8-year probation sentence
  - Split: 5-year probation sentence

#### Offense Types
- **Violent/persons**:
  - Direct: 76 years
  - Split: 111 years
- **Property**:
  - Direct: 65 years
  - Split: 94 years
- **Drug Sales**:
  - Direct: 79 years
  - Split: 118 years
- **Drug Possession**:
  - Direct: 57 years
  - Split: 82 years
- **All Offenses**:
  - Direct: 64 years
  - Split: 98 years

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*Source: CSG Justice Center Analysis of Probation Research file*
People sentenced for property and drug offenses receive long probation terms and even longer probation terms following a prison sentence regardless of prior criminal history.

Average Probation Sentence Lengths for **Property and Drug Convictions**
Placements to Probation, FY2005–FY2015

- **Direct** probation sentence for direct probation sentences of property and drug convictions
- **Split** probation sentence for split sentences of property and drug convictions

Source: CSG Justice Center Analysis of Probation Research file
For property and drug offenses resulting in prison + probation sentences, the prison term results in a lengthy period of parole supervision, which adds even more time to the total supervision period.

Average Sentence Length for Split Sentences, FY2015

Property and Drug Offenses

- 8-year probation term preceded by 11-year prison sentence

8 years

11 years

On average, 34% of prison terms are served in incarceration and the remainder may be served on parole.

Prison sentence

- 3.6 years

Parole

- 7.3 years

Probation

- 8 years

Community supervision

This has the potential to result in extended lengths of time on community supervision.

In comparison, North Carolina requires a mandatory 9 to 12 months post-release supervision period for inmates leaving NCDPS custody.

Source: CSG Justice Center Analysis of Inmate Research file
Average length of time already spent on probation for current probationers is over 5 years for both standard and high-risk or special caseload types.

### Active Probation Population, as of 4/8/2016

<table>
<thead>
<tr>
<th>Caseload Type</th>
<th>Active Probationers</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRCC Caseload</td>
<td>44,159</td>
</tr>
<tr>
<td>Standard Caseload</td>
<td>41,634</td>
</tr>
<tr>
<td>High-risk Caseload</td>
<td>12,689</td>
</tr>
<tr>
<td>Specialized Caseload</td>
<td>6,281</td>
</tr>
</tbody>
</table>

**104,763 Actively Supervised Probationers**

Only 21% of the actively supervised population started probation within the last 12 months.

<table>
<thead>
<tr>
<th>Low</th>
<th>Low to Moderate</th>
<th>High</th>
<th>Highest</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.7 years</strong></td>
<td><strong>5.4 years</strong></td>
<td><strong>5.1 years</strong></td>
<td><strong>7.2 years</strong></td>
</tr>
</tbody>
</table>

- **PRCC Caseload**
  - Probationers qualify for the PRCC/call-in caseload if they have been on supervision for 120 days, are employed, have had no violations of supervision, no failed drug tests, no new arrests, and have a risk score between 1 and 3.

- **Standard Caseload**
  - Probationers are on standard supervision if they have a low or moderate risk score.

- **High-risk Caseload**
  - High-risk probationers have scored between 6 and 10 on the risk assessment, and also include Day Report Center probationers, RSAT Aftercare, and GA-PRI (Prisoner Re-entry Initiative) cases.

- **Specialized Caseload**
  - Special caseloads now include only sex offender cases (SPS Tiers 1 and 2) and Mental Health cases.

Average length of time already spent on probation for current probationers is over 5 years for both standard and high-risk or special caseload types.

Other Probation Caseload Types, as of 4/8/2016

<table>
<thead>
<tr>
<th>Caseload Type</th>
<th>Number</th>
<th>Average Length of Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative</td>
<td>+ 35,190</td>
<td>5.6 years</td>
</tr>
<tr>
<td>Unsupervised</td>
<td>+ 26,995</td>
<td>8.6 years</td>
</tr>
<tr>
<td>Warrant / Absconder</td>
<td>+ 39,195</td>
<td>8.5 years</td>
</tr>
</tbody>
</table>

Administrative cases include probationers who currently are in custody in a Probation Detention Center or county facility, people who are in a residential treatment facility, and people who are being supervised out of state.

Most of these people roll back onto active supervision. 19,634 are in custody or being detained.

People on unsupervised status are not required to report, either by statute or by having met all requirements.

Warrant cases are inactive, and can be tolled or untolled.

1.8 years: Average LOS at Unsupervised level

Source: CSG Justice Center Analysis of Active Probation Population as of 4/9/2016
Overview

1. Probation population trends (felony)
2. Probation supervision practices (felony)
3. Probation recidivism outcomes (felony)
4. Next Steps
Probation practices are progressing and policies are in place that support the implementation of several evidence-based practices:

- **Risk Assessments**
  - Developing & integrating risk/needs assessments for both probation & parole supervision
  - Risk scores intended to inform supervision intensity level & contact standards
  - Assessment questions comprised of static & dynamic factors

- **Programming**
  - Use of cognitive-behavioral programs to address criminal thinking
  - Have 15 Day Reporting Centers and 17 DRC Lite programs across the state

- **Violation Responses**
  - Capacity to respond to technical violations with short sanctions and some risk-reduction programming
  - POM program enables swift & certain sanctioning

- **Training**
  - Starting Enhanced Supervision Program training for officers
  - Highly motivated officers that spoke of “dual role” of protecting the public & reducing recidivism
  - Officers are CIT certified

- **Evaluations**
  - DRC program has undergone an evaluation

Source: CSG Justice Center focus groups with community supervision officers, August 16-17, 2016
Georgia’s felony probation system has the opportunity to build on progress and address key challenges that still remain.

Three Key Challenges:

1. DCS is not able to frontload supervision resources for those who pose the highest risk. Transitioning probationers from active to unsupervised more quickly, based on risk, will allow officers to target resources and efforts to people with the highest risk.

2. Intensity of supervision for highest-risk people may not be sufficient to change behavior. Meaningful, proactive engagement with motivational interviewing for high-risk probationers requires at least 15–20 minutes, multiple times per month.

   *DCS minimum contact standards*
   - Specialized: Twice per month
   - Active: Once per month for 2–5 minutes
   - Standard: Once every 90 days for 2–5 minutes

3. Due to high caseloads, supervision follows a reactive approach. Supervision should follow a proactive case planning approach.

Source: CSG Justice Center focus groups with community supervision officers, August 16-17, 2016
Supervision resources must be frontloaded to reduce recidivism

Averages of People Sentenced to Probation with Felony Reconvictions in First Three Years of Supervision, FY2009–FY2012

22,347

Direct to Probation Placements

11.9% Over 3 Years

Year 1

5.6%
1,267

Year 2

3.4%
753

Year 3

2.9%
642

Source: CSG Justice Center Analysis of Proportionate and Inmate Research Files
Of the 104,763 people on active probation, 75 percent have served more than two years or are at the lowest supervision level.

<table>
<thead>
<tr>
<th></th>
<th>PRCC</th>
<th>Standard</th>
<th>High</th>
<th>Specialized</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 2 Years:</td>
<td>14,561</td>
<td>19,772</td>
<td>4,938</td>
<td>1,716</td>
</tr>
<tr>
<td>&gt;2 years:</td>
<td>29,598</td>
<td>21,862</td>
<td>7,751</td>
<td>4,565</td>
</tr>
</tbody>
</table>

Fines and fees may be preventing probationers from transitioning to Unsupervised status, particularly for PRCC and Standard supervision cases.

Source: CSG Justice Center analysis of Probation Research file
Applying these principles could reduce caseloads for high-risk individuals, allowing officers to deliver the frequency and intensity of supervision that is necessary.

- **Standard**
  - 120 people per officer (5 years)
  - Low: 12 months
  - Moderate: 18 months
  - High: 24 months
  - Specialized: 24 months

- **High**
  - 125 people per officer
  - 100 people per officer
  - 30 people per officer
To reduce recidivism further, probation practices will need to shift from a reactive to a proactive approach.

**Reactive Approach**

*Current Practices*

- Ensure probationer is aware of general and special conditions
- Check to ensure probationer complies with the conditions
- Perform enforcement functions in response to violations, such as drug testing and curfew restrictions
- Requires only brief, 2–5 minute contacts with probationers
- Measure outcomes by number of appointments made, lack of violations, and completion of drug tests

**Proactive Approach**

*Proposed Practices*

- Assess for risk/needs and focus officer time on people with the highest risk
- Focus on initial months and first year of supervision when risk of recidivism is greatest
- Develop case plan with performance-based objectives that target needs
- Link and engage probationer to treatment services
- Assist probationer in complying with supervision terms and achieving behavior change
- Hold longer and more frequent contacts with probationers
- Measure outcomes by progress made toward objectives identified in case plan

DCS has already taken measures to establish proactive policies, which are being translated into practice.
Officers have multiple alternatives to incarceration when a probationer commits a violation

<table>
<thead>
<tr>
<th>DRCs</th>
<th>RSATs</th>
<th>ITFs</th>
<th>PDCs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity</td>
<td>15 DRCs and 17 DRC lites</td>
<td>11 RSATs</td>
<td>2 ITFs</td>
</tr>
<tr>
<td>Length of stay</td>
<td>6 month outpatient program + 6 months aftercare</td>
<td>9 months, secure facility</td>
<td>9 months, secure facility</td>
</tr>
<tr>
<td>Target population</td>
<td>Probationers with substance use needs</td>
<td>Probationers with substance use needs</td>
<td>Probationers with co-occurring disorders; mental health screen drives placement</td>
</tr>
<tr>
<td>Programming offered</td>
<td>Multiple programming options including MRT</td>
<td>Intensive substance use programming</td>
<td>Intensive substance use and mental health programming</td>
</tr>
<tr>
<td>Evaluation conducted</td>
<td>Evaluation demonstrated reduced recidivism when program fidelity &amp; adherence to EBPs were assessed</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Recommendations</td>
<td>Use risk tool and NGA to drive placement</td>
<td>Evaluate to determine impact; use risk tool and NGA to drive placement</td>
<td>Evaluate to determine impact; use risk tool and NGA to drive placement</td>
</tr>
</tbody>
</table>
Overview

1. Probation population trends (felony)
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There is a large volume of incarcerative responses to violations of supervision relative to the number of placements per year.

### Felony Probation Revocations, FY2015

- **State Prison**
  - New Sentence: 3 years
  - 73% of probationers
  - Condition Violation: 2.2 years
- **County Facility**
  - New Sentence: 7.5 months
  - 37% of probationers
  - Condition Violation: 5 months
- **Probation Detention Center**
  - New Sentence: 7.5 months
  - 38% of probationers
  - Condition Violation: 2.5 months

**Source:** CSG Justice Center Analysis of Sentencing Revocations data
Reconviction rates for people sentenced directly to felony probation are significantly lower than they are for people sentenced to prison.

For probationers: 68% of felony reconvictions occur within the first three years out of a five-year window.

For former inmates: 72% of felony reconvictions occur within the first three years out of a five-year window.

A majority of felony reconvictions occur in the first three years of community supervision.

Source: CSG Justice Center Analysis of Probation and Inmate research files
When accounting for criminal history, reconviction rates for people sentenced directly to probation are lower than they are for people sentenced to prison.

Three-Year Felony Reconviction Rates for All Offense Types by Criminal History, FY2012

- No prior felonies: Direct Probation 11%, Prison (Direct and Splits) 21%
- One prior felony: Direct Probation 11%, Prison (Direct and Splits) 25%
- Two prior felonies: Direct Probation 13%, Prison (Direct and Splits) 29%
- Three prior felonies: Direct Probation 15%, Prison (Direct and Splits) 31%
- Four or more priors: Direct Probation 15%, Prison (Direct and Splits) 37%

Source: CSG Justice Center Analysis of Probation and Inmate research files
For property and drug convictions, reconviction rates are slightly higher than the overall average for people with prison sentences.

The majority of felony reconvictions occur within the first three years of community supervision.

- For property and drug probationers: **70%** of felony reconvictions occur within the first three years out of a five-year window.

- For former property and drug inmates: **73%** of felony reconvictions occur within the first three years out of a five-year window.

Source: CSG Justice Center Analysis of Probation and Inmate research files
When accounting for criminal history, reconviction rates for property and drug convictions are lower than they are for people sentenced directly to probation in lieu of prison.

### Three-Year Felony Reconviction Rates for Property and Drug Convictions, by Criminal History, FY2012

<table>
<thead>
<tr>
<th>Criminal History</th>
<th>Direct Probation</th>
<th>Prison (Direct and Split)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No prior felonies</td>
<td>11%</td>
<td>24%</td>
</tr>
<tr>
<td>One prior felony</td>
<td>11%</td>
<td>26%</td>
</tr>
<tr>
<td>Two prior felonies</td>
<td>13%</td>
<td>29%</td>
</tr>
<tr>
<td>Three prior felonies</td>
<td>13%</td>
<td>32%</td>
</tr>
<tr>
<td>Four or more priors</td>
<td></td>
<td>37%</td>
</tr>
</tbody>
</table>

Source: CSG Justice Center Analysis of Probation and Inmate research files
Overview

1. Probation population trends (felony)
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4. Next Steps
Summary of findings

• It is important to distinguish between the two types of probation supervision: diversion from prison vs. supervision following prison and/or parole terms.
• The length of probation as a sentence in lieu of incarceration averages five years regardless of an individual’s criminal history.
• The average sentence for a property or drug offender sentenced to prison is 3.6 years of incarceration followed by 7.3 years on parole plus an additional 8 years on probation.
• Probation practices are improving in Georgia, but supervision resources are not targeted to provide sufficient intensity or frequency of supervision for higher-risk probationers.
• Focusing supervision resources on the initial 12–24 months people are on supervision, instead of spreading supervision resources over longer periods, could provide a much greater return on investment.
• Supervision must move from a reactive to a proactive case management approach to really reduce recidivism.
• Supervision violations and new crimes among probationers account for a significant percentage and volume of prison and jail admissions, as well as PDC/RSAT/ITF beds.
• People sentenced to probation only are reconvicted for a new felony crime at half the rate of those sentenced to a prison term (even when controlling for prior criminal history).
Areas still being explored and analyzed

1. Engage victim advocates to understand how probation and sentencing impacts restitution orders and collection

2. Analyze the fiscal impact of probation violations and new crime on prison admissions for revocations and new convictions.

3. Understand placement criteria and cost-effectiveness of PDC, RSAT, and ITFs

4. Misdemeanor probation analysis: data is still limited; guidance for further analysis/discussion needed from the subcommittee.

5. Other questions?
Timeline for Georgia’s Justice Reinvestment project

**2017 Session**

- **Council Meeting 1:** July 26
- **Subcommittee Meeting 1:** July 6
- **Subcommittee Meeting 2:** Stakeholders present August 17
- **Subcommittee Meeting 3:** September 7
- **Subcommittee Meeting 4:** TBD
- **Council Meeting 2**
- **Subcommittee Meeting 5:** TBD
- **Council Meeting 2:** Bill Introduction
- **Council Meeting 1:** July 26
- **Subcommittee Meeting 2:** Stakeholders present August 17
- **Subcommittee Meeting 3:** September 7
- **Subcommittee Meeting 4:** TBD
- **Council Meeting 2:** Bill Introduction

**Data Analysis**
- Initial Analysis
- Detailed Data Analysis
- Impact Analysis

**Policymaker and Stakeholder Engagement**
- Solicit Anecdotal Information
- Policy Options Development
- Ongoing Engagement